



August 11, 2025

Jarret P. Hitchings
Partner
Direct: +1 704 749 8965
jarret.hitchings@bclplaw.com

BRYAN CAVE LEIGHTON PAISNER LLP
301 S College Street Suite 2150
Charlotte NC 28202
T: +1 704 749 8999
F: +1 704 749 8990
bclplaw.com

VIA E-MAIL and CM/ECF

Honorable Philip Bentley
United States Bankruptcy Judge
Southern District of New York
One Bowling Green
New York, NY 10004-1408
Courtroom 601

***Re: In re 1300 Desert Willow Road, LLC (Case No. 25-11375 (PB))
Status of Matters Set for Hearing August 12, 2025 at 2:00 p.m.***

Dear Judge Bentley:

Our firm represents Romspen Investment LP ("Romspen Investment"), as agent and servicer for TIG Romspen US Master Mortgage LP ("TIG") and Fund Investment 149, LLC ("Fund Investment," collectively with TIG and Fund Investment, "Romspen") in the above-referenced chapter 11 case for debtor 1300 Desert Willow Road, LLC (the "Debtor"). Per the Court's request, on behalf of Romspen please find below a brief summary as to the status of matters set for hearing on August 12, 2025 at 2:00 p.m. (the "Hearing").

(a.) Debtor's Cash Collateral Motion [ECF No. 16]

On June 25, 2025, Romspen filed its *Notice of Perfection of Lien Interest and Non-Consent to Use of Cash Collateral* [ECF No. 7] requesting that the Debtor sequester all cash collateral and advising that Romspen did not consent to the Debtor's use of cash collateral. On July 18, 2025, the Debtor filed a *Motion for Use of Cash Collateral* [ECF No. 16] (the "Cash Collateral Motion") seeking court authority to use Romspen's cash collateral to fund its chapter 11 case. Romspen filed its *Objection* [ECF No. 23] to the Cash Collateral Motion on July 22, 2025 but subsequently engaged with the Debtor to allow for consensual use of cash collateral subject to strict conditions and a budget through the date of the Hearing. The Court entered an *Interim Order* [ECF No. 35] granting the Cash Collateral Motion on an interim basis. A hearing for the final order to approve the Debtor's use of cash collateral is scheduled for August 12, 2025.

Romspen has not consented to further use of cash collateral beyond the Hearing, and will be prepared to go forward on its Objection to further or final approval of the Cash Collateral Motion. In the event the Court grants Romspen's Motion to Dismiss (discussed below), the need for further or final relief on the Cash Collateral Motion will be moot.

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(b.) Romspen's Motion to Dismiss [ECF No. 12]

On July 10, 2025, Romspen filed a *Motion to Dismiss Debtor's Chapter 11 Case or, Alternatively, Appoint a Chapter 11 Trustee* [ECF No. 12] (the "Motion to Dismiss") requesting dismissal of the Debtor's bankruptcy case for cause, including bad faith, and in the alternative, seeking appointment of a Chapter 11 trustee. The Motion to Dismiss is scheduled to go forward at the Hearing on a non-evidentiary basis. The Debtor filed its *Objection* [ECF No. 37] to the Motion to Dismiss on August 5, 2025 and Romspen filed a reply on August 8, 2025 [ECF No. 38]. The Motion to Dismiss is not resolved and Romspen will be prepared to go forward at the Hearing.

We look forward to appearing at the Hearing and will be prepared to address any additional questions at that time. In the meantime, should Your Honor have any immediate questions, we are available at the Court's convenience

Very Truly Yours,

/s/ Jarret P. Hitchings

Jarret P. Hitchings
(Admitted pro hac vice)

cc: H. Bruce Bronson, Jr (ecf@bronsonlaw.net)
Rachael Siegel (rachael.e.siegel@usdoj.gov)
Brigid Ndege (brigid.ndege@bclplaw.com)
Kyle Hirsch (kyle.hirsch@bclplaw.com)
Greg White (Greg_White@nysb.uscourts.gov)
Judge Bentley's chambers (pb.chambers@nysb.uscourts.gov)